

REMARKS

Claims 1-5, 7, 8, 10-29, 30-38, 39, 41-58, and 61-62 were pending in the application. Claims 30-37 and 55-58 were withdrawn from consideration. Claims 1, 5, 13, 22, 38, 50, and 61 have been amended. Claims 11, 12, 27, 42 and 52 have been cancelled.

Priority Claim:

The Examiner contends that Applicant has not complies with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. § 120. Applicant acknowledges the statement on page 3 of the present office action, which is item #3 under the heading of 'Priority Claim', and appreciates the Examiner's consideration. Applicant nonetheless maintains that the present application is entitled to the priority as previously stated for at least the reasons given in the previous office action response.

Information Disclosure Statement:

The information disclosure statement filed on February 19, 2002, was noted as failing to comply with 37 CFR 1.98(a)(2). In the office action, the Examiner stated that the information documents that were readily available have been considered, while the other documents (as indicated by a lack of Examiner's initials on the Form PTO-1449 attached to the present office action) have not been considered. The undersigned is still unable at present to obtain copies of the references indicated as not having been considered by the Examiner, but is still attempting to obtain copies of such references for submission in a supplemental information disclosure statement.

Objection to the Drawings:

The Examiner objected to the drawings for various reasons.

The Examiner maintained a previous rejection of claim 5, contending that Fig. 22 was directed to non-elected species II. Applicant has amended claim 5, and submits that

the all the features recited therein are shown in the drawings. Fig.'s 7, 9, 10, 16, as well as several other drawings show an optical signals each having an upper optical sideband and a lower optical sideband. Various drawings, such as Fig.'s 9 and 16 show an optical filter configured to select one optical sideband from the optical signal. Accordingly, Applicant submits that all the features of claim 5 are shown in the drawings, and respectfully requests removal of the objection.

Applicant has amended Fig. 18A in accordance with the Examiner's suggestion in order to obviate the drawing objection made in regard to claim 13.

With regard to the drawing objections to Figs. 1-2, 4-7, 9-10, 12-13A, 13D-13E, 14A-14B, 16-18A, 23, and 24A-24D, Applicant has amended these drawings in accordance with the Examiner's suggestions, and thus submits that these drawings are in compliance with all formal requirements.

A set of replacement drawings for those amended is attached herewith, with each sheet marked as a replacement sheet.

Objections to the Specification:

The Examiner made various objections to the specification, along with suggested amendments. Applicant has amended the specification in accordance with the Examiner's suggestion.

Objection to the Claims:

The Examiner objected to claim 38. Applicant has amended claim 38 in accordance with the Examiner's suggestion.

35 U.S.C. § 112 Rejections:

Claims 5 and 61-62 were rejected under 35 U.S.C. § 112, first paragraph. Applicant has amended claim 5, and submits that the amended version presented herein complies with the requirements of 35 U.S.C. § 112. Applicant has also amended claim

61 in accordance with the Examiner's suggestion, and thus submits that claims 61-62 as presented herein are in compliance with 35 U.S.C. § 112.

35 U.S.C. § 103 Rejections and Allowable Subject Matter:

Claims 1, 2, 4-5, 8, 10-11, 19-20, 38-39, 41-42, and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsushima, U.S. Patent 5,305,134 in view of Bergano, U.S. Patent 6,134,033 and Dekker, U.S. Patent 2,156,278. Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsushima in view of Bergano and Dekker and in further view of Kitayama, *Highly Spectrum Efficient OFDM/PDM Wireless Networks By Using Optical SSB Modulation*. Claims 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsushima in view of Bergano and Dekker and in further view of Ramaswami, *Optical Networks: A Practical Perspective*, and Othonos, *Fiber Bragg Gratings*. Claims 14-15 and 43-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsushima in view of Bergano and Dekker and in further view of Watanabe, *Optical Coherent Broad-Band Transmission For Long-Haul And Distribution Systems Using Subcarrier Multiplexing*, and Hill, U.S. Patent 5,546,190. Claims 16-21 and 45-49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsushima in view of Bergano, Dekker, Watanabe, Hill and in further view of Ramaswami. Claims 22-23, 25-27, 29, 50 and 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsushima in view of Dekker.

The Examiner stated that claims 12-13 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicant has amended claim 1 to incorporate the features of claim 12, along with intervening claim 11. Accordingly, Applicant submits that the amended version of claim 1 is allowable for at least the reasons stated by the Examiner.

With regard to the rejections of independent claims 22, 38, and 50, Applicant has amended each of these claims to incorporate features similar to those originally recited in claims 11 and 12. Thus, Applicant submits that these claims are also allowable for at least the reasons stated by the Examiner in the office action.

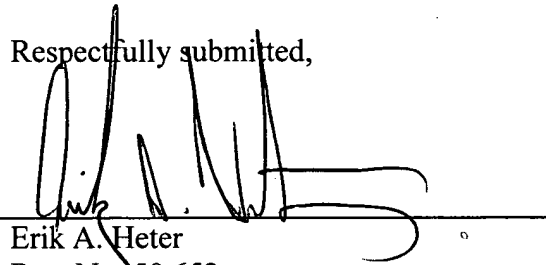
Claims 61-62 were determined by the Examiner to be allowable if rewritten to overcome the 35 U.S.C. §112 rejections thereof. Applicant has amended claim 61 in accordance with the Examiner's suggestion and submits that the § 112 rejection has been obviated.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5957-41702/EAH.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Erik A. Heter", is written over a horizontal line.

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